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Barney Heath
Director

MEMORANDUM

Public Hearing Date: October 2, 2018
Land Use Action Date: December 11, 2018
City Council Action Date: December 17, 2018
90-Day Expiration Date: December 31, 2018

DATE: September 28, 2018

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Michael Gleba, Senior Planner
Katie Whewell, Planning Associate

SUBJECT: **Petition 462-18** for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a veterinary hospital and unmanned server room at **858 Walnut Street**, Ward 6, Newton Centre, on land known as SBL 64 005 0004 containing approximately 23,250 sf of land in a district zoned BUSINESS - 2. Ref: Sec. §4.4.1, and §7.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis which may be useful in the special permit decision making process of the City Council. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the City Council will want to consider in its discussion at a subsequent Working Session.



EXECUTIVE SUMMARY

The property at 858 Walnut Street consists of 23,250 square feet improved with an existing two-story building constructed in 1955 and surface parking in the Business 2 zoning district. The petitioner proposes to locate a veterinary hospital in the existing building in a space formerly occupied by a tutoring center. No exterior changes to the building or parking are proposed.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this petition, the City Council shall consider whether:

- To allow a veterinary hospital use (§4.4.1);
- The site in a Business Use 2 zone (BU-2) is an appropriate location for the proposed veterinary hospital use in an existing structure (§7.3.3.C.1);
- The proposed veterinary hospital will adversely affect the neighborhood (§7.3.3.C.2);
- The proposed veterinary hospital will create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3);
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on Walnut Street, just north of the intersections of Beacon Street and Walnut Street in the Newton Centre neighborhood. The site and adjacent areas to the north and south are zoned Business 2 (BU2), while the lots to the east are Single Residence 2 zones. Across the street is the Newton Cemetery.

B. Site

The property consists of 23,250 square feet. The site is improved with a two-story structure currently used as a tutoring center. In the front of the building, there is a porte-cochere that provides drop off service at the front door and a turnaround to Walnut street as well as leading down to the parking lot at the rear of the site. There are two driveways, one on either side of the building and they both have a moderate downward slope. The existing nonconforming parking is accessed by a driveway on the northern property boundary, as well as by a larger shared driveway with 860-862

Walnut Street. The parking is located behind the buildings and functions as shared parking of 64 stalls, with 28 stalls existing on the petitioner's site. There are shorter shrubs that line the semicircle driveway in front of the building. There are mature trees on the northern property line as well as wooden fences in the neighbors' yards. There is an unmanned computer server room utilized by RCN in the 3,600 square foot basement level.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principle land use of the site will allow a veterinary hospital which requires a special permit. The existing server room will remain.

B. Building and Site Design

The building and site design will remain the same.

C. Parking and Circulation

The existing nonconforming parking is accessed by a driveway on the northern property boundary, as well as a larger shared driveway with 860-862 Walnut Street. The parking is located behind the buildings and functions as shared parking of 64 stalls, with 28 stalls existing on the petitioner's site. With a total of 21 stalls required for the existing server room and proposed veterinary uses, the 28 on-site stalls are adequate to satisfy the requirements of section 5.1.4.A.

D. Landscape Screening

No changes to landscape are proposed.

IV. TECHNICAL REVIEW

A. Technical Considerations

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment C**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- Special Permit per §7.3.3 to
 - Allow the veterinary hospital use (§4.4.1)

B. Newton Historical Commission

The building is not historic.

C. Engineering Review

No engineering review required.

V. PETITIONERS' RESPONSIBILITIES

The petition is currently complete.

ATTACHMENTS:

- Attachment A:** Zoning Map
Attachment B: Land Use Map
Attachment C: Zoning Review Memorandum, dated July 30, 2018
Attachment D: Draft Council Order








ATTACHMENT A

Zoning

858 Walnut St.

City of Newton,
Massachusetts

Legend

-  Single Residence 2
-  Multi-Residence 1
-  Multi-Residence 3
-  Business 1
-  Business 2
-  Open Space/Recreation
-  Public Use



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 125
Feet

Map Date: September 26, 2018



ATTACHMENT B






Land Use

858 Walnut St.

City of Newton,
Massachusetts

Legend

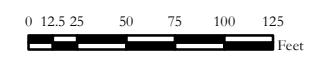
Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Open Space
-  Nonprofit Organizations



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CITY OF NEWTON, MASSACHUSETTS
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ZONING REVIEW MEMORANDUM

Date: July 30, 2018

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: Isaac Maxmen, Applicant
Barney S. Heath, Director of Planning and Development
Ouida Young, Acting City Solicitor

RE: Request to allow a veterinary hospital in an existing building in the Business 2 District

Applicant: Isaac Maxmen	
Site: 858 Walnut Street	SBL: 64005 0004
Zoning: BU-2	Lot Area: 23,250 square feet
Current use: Office and unmanned server room	Proposed use: Veterinary Hospital and unmanned server room

BACKGROUND:

The property at 858 Walnut Street consists of 23,250 square feet improved with an existing two-story building constructed in 1955 and surface parking in the Business 2 zoning district. The petitioner proposes to locate a veterinary hospital in the existing building in a space formerly occupied by a tutoring center. No exterior changes to the building or parking are proposed.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Isaac Maxmen, applicant, submitted 7/3/2018
- Interior Dimensions, submitted by Isaac Maxmen, applicant, submitted 7/3/2018
- Inter-Office Correspondence, written by Eugene Bober, Director of Planning and Development, dated 11/28/1990
- Parking Layout, prepared by David Galler Associates, architect, dated 10/11/1990

ADMINISTRATIVE DETERMINATIONS:

1. Section 4.4.1 requires a special permit in the Business 2 District for a Veterinary Hospital use. The petitioner is proposing a veterinary hospital within 4,575 square feet of space, with one full-time veterinarian and three or four other employees. A special permit is required for the proposed use.
2. Historically, the Commissioner of Inspectional Services has determined this use to be a personal service business for the purposes of parking. Per section 5.1.4, one (1) parking space per each 300 square feet of gross floor area is required, in addition to one (1) space per each three (3) employees. The petitioner anticipates five employees on site at the highest shift within the 4,575 square foot space. Per section 5.1.4.A, the proposed veterinary use will require 18 parking stalls.

There is an unmanned computer server room utilized by RCN in the 3,600 square foot basement level. Per section 5.1.4.A, a telecommunications and data storage facility requires one stall per 2,500 square feet, and one stall per every four employees. Though unmanned, it can be assumed that the facility will have an occasional employee visit. The RCN server room requires three stalls.

The existing nonconforming parking is accessed by a driveway on the northern property boundary, as well as a larger shared driveway with 860-862 Walnut Street. The parking is located behind the buildings and functions as shared parking of 64 stalls, with 28 stalls existing on the petitioner's site. With a total of 21 stalls required for the existing RCN and proposed veterinary uses, the 28 on-site stalls are adequate parking to satisfy the requirements of section 5.1.4.A.

No changes to the parking areas are proposed.

3. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§4.4.1	Allow a Veterinary Hospital in BU-2 Zone	S.P. per §7.3.3

CITY OF NEWTON
IN CITY COUNCIL

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to allow a veterinary hospital, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The specific site is an appropriate location for the proposed veterinary hospital because the site is located in an area containing a mix of uses and proposed use will increase that mix. (§7.3.3.C.1.)
2. The proposed veterinary hospital will not adversely affect the neighborhood given the mixed use nature of the area. (§7.3.3.C.2.)
3. The proposed veterinary hospital will not create a nuisance or serious hazard to vehicles or pedestrians because the use does not require any alterations to the site. (§7.3.3.C.3.)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4.)

PETITION NUMBER: #462-18

PETITIONER: Isaac Maxmen

LOCATION: 858 Walnut Street, Section 64, Block 05, Lot 04, containing approximately 23, 250

OWNERS: 858 Walnut Street, LLC

ADDRESS OF OWNERS: 158 Greenwood Street

TO BE USED FOR: Veterinary hospital

CONSTRUCTION: Two-story, multi-tenant, commercial building

EXPLANATORY NOTES: §4.4.1 and §7.3.3 to allow a veterinary hospital

ZONING: Business Use 2 District

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan approval shall be located and constructed consistent with:
 - a) Parking Layout 858 Walnut Street, prepared by David Galler Associates, dated October 11, 1990.
2. No building permit shall be issued pursuant to this Special Permit/Site Plan approval until the petitioner has:
 - a. Recorded a certified copy of this board order for the approved special permit/site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
 - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No occupancy permit shall be issued pursuant to this Special Permit/Site Plan approval until the petitioner has:
 - a. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development a statement by a registered architect certifying compliance with Condition #1.